



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

November 20, 2018

PWS# 1800574

Certified Mail

7017 0190 0000 6412 8284

Scott Smith, Superintendent/Principal
Johnstonville Elementary School
704-795 Bangham Lane
Johnstonville, CA 95762

TRANSMITTAL OF CITATION NO. 01-02-18C-015

Dear Mr. Smith:

The State Water Resources Control Board (Board) Division of Drinking Water has issued the Johnstonville Elementary School District water system a citation, which is attached.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code Section 116625) or Article 9 (commencing with Health and Safety Code Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the order or decision. Appendix A to the enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration. (Health and Safety Code Section 116701)

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact Nick McGann at (530) 224-3269 or me at (530) 224-4800.

Stephen W. Watson, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

Enclosure: Citation No. 01-02-18C-015

1800574/Enforcement
110818 Cit Cvr Ltr/njm

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

1 Johnstonville Elementary School District (hereinafter, School) water system, for
2 violation of Title 22, Sections 64675 and 64675.5 of the California Code of
3 Regulations (CCR).

4
5 A copy of the applicable statutes and regulations are included in Attachment A, which is
6 attached hereto and incorporated by reference.

7
8 **STATEMENT OF FACTS**

9 The School is a non-transient non-community water system that serves an estimated
10 population of 215 through 1 service connection. The water system is served primarily
11 by the ground water source Well 1 (Pit Well), with a backup source supplied by Well 2
12 (Building Well). The School provides no treatment of the water produced by the well.

13
14 According to Division records, the School has completed six rounds of monitoring for
15 lead and copper in the distribution system with no exceedances of the lead and
16 copper action levels of 0.015 milligrams per liter (mg/L) and 1.3 mg/L, respectively.
17 Based on these past monitoring results and in accordance with Section 64675,
18 Title 22 of the CCR, the School was allowed to reduce monitoring to one set of at
19 least five tap water samples at least once every three years during the months of
20 June, July, August, or September. According to Division records, the School last
21 sampled for lead and copper in the distribution system during July 2015 and failed to
22 perform the last round of required monitoring for lead and copper in the distribution
23 system during the summer of 2018.

DETERMINATION

The Division has determined that the School violated Title 22, Section 64675 (b) and Section 64675.5 of the CCR, in that the School failed to conduct the required monitoring for lead and copper in the distribution system.

DIRECTIVES

The School is hereby directed to take the following actions:

1. Comply with Title 22, Sections 64675 and 64675.5 of the CCR by collecting a set of five tap water samples from the distribution system for lead and copper monitoring **by no later than September 31, 2019.**
2. The School shall submit the results from all lead and copper monitoring in the distribution system to the Division within 30 days of receiving the results.
3. Provide public notice of the violations as required by Title 22, Section 64463.7 and Section 64465 of the CCR, **by no later than June 30, 2019.** Notification shall be completed in accordance with each of the following:
 - a. Mail or direct delivery of the notice contained in Attachment 'B' to each customer of the School water system.
 - b. Provide the notice contained in Attachment 'B' either by posting in on the School's website or by posting in conspicuous places within the School area or by publication in a local newspaper to reach persons not likely to be reached by a mailing or direct delivery.



Changes and/or modifications to Attachment 'B' shall not be made unless approved by the Division. The School may use the 2018 Consumer Confidence Report to meet these public notification requirements.

4. Complete and return Attachment 'C' entitled "Compliance Certification" to the Division within 10 days of providing the notification. A copy of the notices used to provide public notification shall be attached to the form.

All documents required by this Citation shall be submitted to the Division at the following address:

Stephen W. Watson, P. E.
Lassen District Engineer
State Water Resources Control Board
Division of Drinking Water
364 Knollcrest Drive, Suite 101
Redding, CA 96002

As used in the Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, personal or by certified mail, on the School.

Nothing in this Citation relieves the School of its obligation to meet the requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), or any regulation, permit, standard or order issued or adopted thereunder.

The Division reserves the right to make such modifications to this Citation, as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.



1 **PARTIES BOUND**

2 This Citation shall apply to and be binding upon the School, its officers, directors,
3 shareholders, agents, employees, contractors, successors, and assignees.

4 **SEVERABILITY**

5 The Directives of this Citation are severable, and the School shall comply with each
6 and every provision thereof, notwithstanding the effectiveness of any other provision.

7
8 **FURTHER ENFORCEMENT ACTION**

9 The California SDWA authorizes the Board to: issue a citation with assessment of
10 administrative penalties to a public water system for violation or continued violation of
11 the requirements of the California SDWA or any permit, regulation, or order issued or
12 adopted thereunder including, but not limited to, failure to correct a violation identified
13 in a citation or compliance order. The California SDWA also authorizes the Board to
14 take action to suspend or revoke a permit that has been issued to a public water
15 system if the system has violated applicable law or regulations or has failed to comply
16 with an order of the Board; and to petition the superior court to take various
17 enforcement measures against a public water system that has failed to comply with
18 an order of the Board. The Board does not waive any further enforcement action by
19 issuance of this citation.

20
21 11/20/2018
22 Date

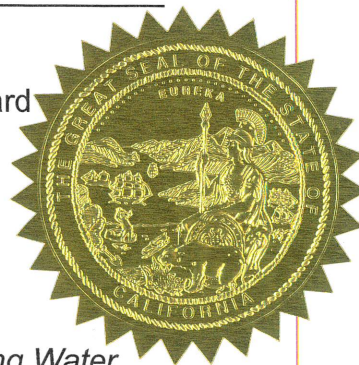
Stephen W. Watson
Stephen W. Watson, P. E.
Lassen District Engineer
State Water Resources Control Board
Division of Drinking Water

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27 Attachments:

28 'A' Applicable Authorities

29 'B' Public Notification: *Important Information about Your Drinking Water*

30 'C' Compliance Certification Form



APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for

each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Health and Safety Code, Section 116701 states:

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

California Code of Regulations, Title 22, Section 64675, subsection (b) provides in relevant part:

- (b) During each period, each system conducting reduced tap sampling shall collect at least one sample from the number of sites based on the number of people served specified in table 64675-A under Reduced Tap Sampling, as follows:
 - (1) The sites shall be representative of the sites required for standard tap sampling.
 - (2) The samples shall be collected during the months of June, July, August, or September, unless the Department approves an alternate set of four months based on a review of the system's operations and lead and copper data, in which case the system shall initiate sampling during the alternate set of four months when directed in writing to do so by the Department, as follows:
 - (A) No later than 21 months after the previous period, if sampling annually, or
 - (B) No later than 45 months after the previous period, if sampling triennially.

California Code of Regulations, Title 22, Section 64675.5, provides, in relevant part:

- (a) A system shall conduct standard tap sampling for two consecutive periods; thereafter, tap sampling frequency may be reduced pursuant to section 64675 (General Requirements for Tap Sampling for Lead and Copper) as follows:
 - (1) If a system has 90th percentile levels that do not exceed 0.005 mg/L for lead and 0.65 mg/L for copper for two consecutive periods, it may reduce the sampling to once every three years at the reduced number of sites;
 - (2) For systems that do not meet the criteria in paragraph (1), after two consecutive periods with no action level exceedance, the frequency may be reduced to annually at the reduced number of sites, if the system receives written approval from the Department based on its review of the system's data. After sampling for three years (including the initial sampling year) with no action level exceedance, the frequency may be reduced to once every three years at the reduced number of sites, if the system receives written approval from the Division.
- (b) If a system demonstrates for two consecutive periods that the difference between the 90th percentile tap sampling lead level and the highest source water monitoring result for each period is less than the reporting level for purposes of reporting (DLR), pursuant to subsections 64678(a), (b), and (c) or that the source water lead levels are below the method detection level of 0.001 mg/L and the 90th percentile lead level is equal to or less than the DLR for each period, the system shall conduct tap sampling once every three years.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

**Monitoring Requirements Not Met for
Johnstonville Elementary School Water System**

Our water system failed to monitor as required for drinking water standards and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor the School's drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to perform the required monitoring for lead and copper in the distribution system this past summer.

What should I do?

- There is nothing you need to do at this time.
- We are required to collect a set of at least five samples from the distribution system at least once every three years for lead and copper monitoring and failed to do so in 2018. We have been directed by the State Water Board to resume lead and copper monitoring by no later than September 2019.
- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

We have completed six rounds of monitoring for lead and copper in the distribution system between 1994 and 2015, with no exceedances of the lead and copper action levels. Since initial results were below the action levels, we were allowed to reduce monitoring to one set of five tap water samples every three years. We failed to conduct the required monitoring for lead and copper in the distribution system between June and September 2018.

We plan to collect a set of five tap water samples for lead and copper monitoring during the summer of 2019 and every three years thereafter.

For more information, please contact Scott Smith at (530) 257-2471.

This notice is being sent to you by Johnstonville Elementary School District

State Water System ID#: 1800574 Date distributed: _____

Attachment C

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to the Division of Drinking Water (364 Knollcrest Drive, Suite 101, Redding, CA 96002), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Division of Drinking Water with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Jonhstonville Elementary School District

Public Water System No. 1800574

Public notification for the lead and copper failure to monitor was performed by the following method(s) (check and complete those that apply):

☐ The notice was published in the local newspaper on _____. A copy of the newspaper notice is attached.

☐ The notice was mailed to users on _____. A copy of the notice is attached.

☐ The notice was hand delivered to water customers on _____. A copy of the notice is attached.

☐ The attached notice was posted in the following conspicuous places:

For this method, provide the date (or dates) that the notice was posted _____.

I hereby certify that the above information is factual.

Printed Name

Signature

Date